

REMARKS

1. The Examiner has rejected Claim 1 under 35 U.S.C. 102(e) as being clearly anticipated by Hershey et al., (US 6,548,135). See column 4 lines 53 - 67; column 5 lines 15 - 23; and, figures 1 and 4.

Applicant respectfully submits that the Examiner has failed to establish a *prima facia* case for rejection under 35 U.S.C. §102(e). To constitute a "description" of a patented invention within the meaning of 35 USC § 102 the prior publication must describe the invention as claimed in full, clear and exact term so as to allow a person skilled in the art to practice the invention. Vague and general representations are not sufficient to support a defense of anticipation under the law. *Ballantyne Instruments & Electronics, Inc., vs. Wagner*, 345 F.2d 671, 673-74, 145 USPQ 408 (1965). In a rejection based on 35 U.S.C. §102, a cited and applied reference must teach every aspect of the invention, either implicitly, or explicitly. MPEP 706.02. For these reasons, applicant respectfully submits that the Examiner has failed to establish a *prima facia* case for rejection under 35 U.S.C. §102(e).

Hershey et al., does not disclose "fabricating a plurality of arrays of consumable parts detachably connected along a first direction".

Rather, Hershey et al., teach assembling an absorbent tablet including a plurality of absorbent sheets. To the extent that Hershey et al., suggest a single sheet forming an array lies with the concept of perforating a solid sheet of paper to create tear lines. Nevertheless, each absorbent sheet remains contiguous. Hershey et al., do not teach the assembly of "a plurality of arrays of consumable parts".

Conversely, the present invention, "a method for building a consumable refill", claims "fabricating a plurality of arrays of consumable parts detachably connected along a first direction".

"In a preferred embodiment, staple wire sheets, such as staple wire sheet 102, consist of a plurality of wires joined to each other along a direction parallel to the axis of each wire. Preferably, the connection between wires forming staple wire sheet 102 is established during manufacture of sheet 102 and consists of individual wires bonded to adjacent wires by means of a preferably

brittle glue. Preferably, the connection formed by the preferably brittle glue is easily ruptured when removal of individual staple wires is desired, without inflicting any damage upon staples remaining within sheet 102."

Application Serial No. 09/975,452, page 8, lines 11-15.

Nor do Hershey et al., disclose "providing an adhesive bond between adjacent ones of said stacked plurality of arrays". Rather, Hershey et al., teach an absorbent tablet including a substantially rigid backing sheet and a plurality of absorbent sheets stacked on top of the backing sheet, with a binding element binds the backing sheet and the plurality of absorbent sheets together along one edge to form the absorbent tablet. Hershey et al., disclose binding along one edge to form a tablet that allows single sheets to be lifted and torn away individually. Hershey et al., do not disclose "providing an adhesive bond between adjacent ones of said stacked plurality of arrays".

In a preferred embodiment, the various staple wire sheets, such as sheet 102, are glued or adhered to adjacent sheets in refill 303 to provide mechanical integrity to such refill during manual and machine handling of refill 303. The strength of adhesion provided between adjacent sheets is preferably selected so as to be strong enough to prevent plates, such as plate 102, from being unintentionally separated from the remainder of refill 303 during manual handling of refill 303, but weak enough to permit separation of one plate from a remainder of refill 303 by an appropriate advancement mechanism without deforming a remainder of refill 303.

Application Serial No. 09/975,452, page 9, lines 12-19.

Applicant respectfully submits that the rejection of Claim 1 under 35 U.S.C. 102(e) as being clearly anticipated by Hershey et al., be withdrawn and that Claim 1 be allowed.

2. The Examiner has rejected Claims 1 and 5 - 6 under 35 U.S.C. 102(b) as being clearly anticipated by Petersen (US 2,943,436). See column 3 lines 28 - 50; column 4 lines 8 - 11 ; figure 3.

Applicant respectfully submits that the Examiner has failed to establish a *prima facia* case for rejection of Claims 1 and 5 - 6 under 35 U.S.C. 102(b). While Petersen teaches applying an adhesive between fastener elements (2) to bind the individual fastener elements in substantially rigid lengths, Petersen does not disclose "providing an adhesive bond between adjacent ones of said stacked

plurality of arrays". The stack shown in Figure 3 includes a plurality of attached fastener elements formed as sticks, each stick nesting with a stick placed above and/or below adjacent sticks forming a stack (S) the nesting configuration providing against lateral displacement or dislocation of adjacent layers or sticks. At column 3 lines 28 – 50 Petersen "an adhesive, . . . is applied to the fastener elements, preferably under the crown portions to connect them, (the fastener elements), together in parallel, contiguous relationship. The fastener elements 2 thus will be bound together in substantially rigid lengths as shown in Fig. 3 with the bond, (between fastener elements), readily frangible " Peterson, column 3 lines 28 – 35, parenthetical emphasis added. According to Peterson, it is "them" or more properly those fastener elements that are so connected together in parallel, contiguous relationship. Peterson does not teach "providing an adhesive bond between adjacent ones of said stacked plurality of arrays."

Applicant respectfully submits that the rejection of Claims 1 and 5 - 6 under 35 U.S.C. 102(b) as being clearly anticipated by Petersen be withdrawn and that Claims 1 and 5 - 6 be allowed.

3. Examiner rejects Claims 2 - 3 under 35 U.S.C. 103(a) as being unpatentable over Petersen (US 2,943,436) as applied to claim 1 in numbered paragraph 8 above.

Applicant respectfully submits that the Examiner has failed to establish a *prima facia* case for rejection of Claims 2 - 3 under 35 U.S.C. 103(a) as being unpatentable over Petersen. As Petersen fails as a primary reference under 35 U.S.C. 102(b), as previously discussed, Petersen also fails to support a rejection of Claims 2 - 3 under 35 U.S.C. 103(a) as being unpatentable over Petersen.

Applicant respectfully submits that the rejection of Claims 2 - 3 under 35 U.S.C. 103(a) be withdrawn and that Claims 2 - 3 be allowed.

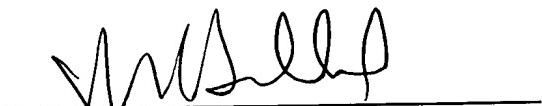
4. Examiner rejects Claim 4 under 35 U.S.C. 103(a) as being unpatentable over Petersen (US 2,943,436) as applied to claim 1 above, and further in view of Yoshie et al (US 4,993,616).

Applicant respectfully submits that the Examiner has failed to establish a *prima facia* case for rejection of Claim 4 under 35 U.S.C. 103(a) as being

unpatentable over Petersen (US 2,943,436), and further in view of Yoshiie et al., (US 4,993,616). As Petersen fails as a primary reference under 35 U.S.C. 102(b), as previously discussed, Petersen also fails to support a rejection of Claims 2 - 3 under 35 U.S.C. 103(a) as being unpatentable over Petersen.

Applicant respectfully submits that the rejection of Claim 4 under 35 U.S.C. 103(a) be withdrawn and that Claim 4 be allowed.

5. Applicant believes the application is in condition for allowance and respectfully requests the same. If the Examiner is of a differing opinion he/she is hereby requested to conduct a telephonic interview with the undersigned attorney.



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December 17, 2003  
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